

MARRERO

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**JUDGE MARRERO**

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK  
 IN THE MATTER OF THE COMPLAINT

of

DAVID SEAN KENNEDY and KENNEDY  
 ENGINE CO., INC., as owners and/or  
 owners *pro hac vice* of vessel M/V  
 CHELSEA SCREAMER for Exoneration  
 from or Limitation of Liability,

Petitioner.

**07 CIV 3808**  
 ORDER RESTRAINING SUITS,  
 APPROVING PETITIONER'S  
 SECURITY, DIRECTING ISSUE  
 OF NOTICE AND  
THE FILING OF CLAIMS

A Verified Complaint having been filed herein on May 15, 2007, by the above-named Petitioners as the owners or owners *pro hac vice* of the M/V CHELSEA SCREAMER, a 53-foot 1994 passenger vessel for Exoneration from or Limitation of Liability, pursuant to 46 U.S.C. §§ 30501 *et seq.*, and Rule F of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure concerning any alleged claims, damages, and/or losses arising out of a marine incident, which occurred on or about July 3, 2004, when the Vessel owned by Petitioners was on the navigable waters of the Hudson River, New York, as more fully described in the Verified Complaint;

**AND** the Verified Complaint filed having stated that the value of the Petitioners' interest in

the Vessel did not exceed the sum of \$180,000 on the date of the incident;

**AND** the Petitioners have filed with the Court an *Ad Interim* Security dated May 14, 2007, for the benefit of any and all claimants, with surety, equal to the amount or value of Petitioner's interest in the said Vessel, with interest at six percent (6%) per annum from the date hereof, executed by OneBeacon America Insurance Company.

**NOW**, on motion of attorneys for Petitioners, it is hereby:

**ORDERED** that the above-described *Ad Interim* Security in the sum of \$180,000 with interest as aforesaid, filed by Petitioners for the benefit of any and all claimant(s) as security representing the Petitioners' interest in the Vessel, be and is **hereby approved**, and

**IT IS FURTHER ORDERED** that the Court, only upon motion and good cause shown, shall cause appraisal of the value of the Vessel and may thereupon order said security increased or reduced if it finds the amount thereof insufficient or excessive, and

**IT IS FURTHER ORDERED** that any Claimant in these proceedings may express, only upon good cause shown and by written notice filed with the Court and served upon all parties of record, its dissatisfaction with OneBeacon America Insurance Company as surety. In this event, Petitioners shall within thirty (30) days of the entry of an order by the Court concerning the surety, cause security to be posted in the form provided by Supplemental Rule F(1) of the Federal Rules of

Claims of the Federal Rules of Civil Procedure, with the Clerk of the Court, at the United States Courthouse, Southern District of New York, 500 Pearl Street, New York, New York and must deliver or mail to the attorneys for the Petitioners, James E. Mercante, Esq., RUBIN, FIORELLA & FRIEDMAN LLP, 292 Madison Avenue, 11<sup>th</sup> Floor, New York, New York 10017, a copy on or before June 18, 2007, or be defaulted. Personal attendance is not required.

Further, any claimant desiring to contest Petitioners' right either to Exoneration from or Limitation of Liability shall file an Answer to the Verified Complaint on or before the aforesaid date as required by Supplemental Rule "F" of the Federal Rules of Civil Procedure, and deliver or mail a copy to the attorneys for the Petitioners, or be defaulted.

Dated: New York, New York  
May 15, 2007

J. Michael McMahon  
Clerk

A CERTIFIED COPY  
J. MICHAEL McMAHON, CLERK

BY [Signature]  
DEPUTY CLERK